

12-05-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on November 1, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EL631007597US, addressed to the Commissioner for Patents, Washington, DC 20231.


Aurelia Sanchez

Attorney Docket No.: CYTOP035C4

First Named Inventor: Hartman et al.

JC997 U.S. PTO
10/00/01/12

11/01/01

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents
Box Patent Application
Washington, DC 20231

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
James Hartman, Fady Malik, Roman Sakowicz and Jeffrey Finer

For: **HIGH THROUGHPUT SARCOMERIC ASSAY**

Assigned to : Cytokinetics, Inc.

 This application is a Continuation Divisional Continuation-in-part

of prior Application No.: 09/539,164, from which priority under 35 U.S.C. §120 is claimed.

Application Elements:

- 23** Pages of Specification, Claims and Abstract
- 3** Sheets of informal Drawings
- Declaration
 - Newly executed
 - Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional). The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
 - Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

Accompanying Application Parts:

- Do not publish this application. Nonpublication Request is attached.
- Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
- Power of Attorney (copy from parent application)

37 CFR 3.73(b) Statement by Assignee
 Information Disclosure Statement with Form PTO-1449 Copies of IDS Citations
 Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)
 Return Receipt Postcard
 Other:

Claim For Foreign Priority

Priority of Application No. filed on
is claimed under 35 U.S.C. § 119.
 The certified copy has been filed in prior application U.S. Application No. _____
 The certified copy will follow.

Extension of Time for Prior Pending Application

A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

Amend the specification by inserting before the first line the sentence: "This is a
 Continuation Continuation-in-part Divisional
application of co-pending prior
 Application No. 09/539,164 filed on March 29, 2000,
 International Application filed on which
designated the United States,
the disclosure of which is incorporated herein by reference."

Cancel in this application original claims 1-17 of the prior application
before calculating the filing fee.

Fee Calculation (37 CFR § 1.16)

Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	10	MINUS	20	= 0	x 18	0
INDEP.	1	MINUS	3	= 0	x 80	0
	[] First presentation of multiple dependent claim				\$270	0
	Basic Filing Fee under 37 C.F.R. §1.16(a)				\$710	710.00
					TOTAL	710.00
	SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)					355.00

Check No. in the amount of \$ is enclosed.

The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-1339 (Order No. CYTOP035C4).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-1339 (Order No. CYTOP035C4).

Please send correspondence to the following address:

Customer Number 022434



Date: November 1, 2001



Lauren L. Stevens, Ph.D.
Registration No. 36,691

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hartman et al.

Attorney Docket No.: CYTOP035C4

Application No.: New

Examiner: Not Yet Assigned

Filed: Herewith

Group: Unknown

Title: HIGH THROUGHPUT SARCOMERIC
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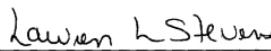
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Aurelia SanchezNONPUBLICATION REQUEST AND CERTIFICATION
(35 U.S.C. 122(b)(2)(B)(i))

Commissioner for Patents
Box Patent Application
Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b).

Date: November 1, 2001
Lauren L. Stevens
Registration No. 36,691

10002712-110101